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AUTHOR Davidson, Mary E.; And Others
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ABSTRACT

This evaluation summarizes progress made in implementing procedures to reduce racial bias in referral, assessment, and placement procedures for special education under a court-mandated desegregation plan in Chicago (Illinois). The Board of Education discontinued the use of intelligence tests in evaluating students for special education and formed a task force to concurrently design and validate an assessment procedure, reassess all students classified as educable mentally handicapped (EMH), enhance parent participation, and increase staff development. Although all of these efforts required extensive commitments of time and staff, they were not subsidized by any increases of funding or personnel. These objectives were seriously hampered by trying to achieve sequential goals within an inadequate time frame. A significant number of minority group students who had been identified as EMH were returned to the regular classroom as a result of reassessment, but black students are still overrepresented in EMH programs and the validity of some assessment procedures has not been established. Also, the decision to reassess students prior to or concurrently with validation and staff training raises questions about the accuracy of the reassessment. The following materials are appended: (1) an analysis of the progress in implementing recommended assessment procedures for special education; (2) an analysis of the progress in implementing other recommendations for special education; (3) a list of 18 references; and (4) a chart describing the assesment instruments. (FMW)

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Monitoring Commission for Desegregation Implementation

Monitoring Commission Report on the Status of Implementation of the SPECIAL EDUCATION COMPONENTS of the Student Desegregation Plan for the Chicago Public Schools

For the
Subcommittee on Special Project Initiatives

October, 1984

Mary Davidson,
Commission Lead Consultant

Leon D. Finney, Jr.,
Commission Chairman

Ruth B. Love
neral Superintendent of Schools
Chicago Public Schools

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LEAD CONSULTANT TO COMMISSION

Mary Davidson

Monitoring Commission Report
on the
Status of Implementation of the
Special Education Components
of the Student Desegregation Plan
for the Chicago Public Schools

This report was prepared under the direction of Mary Davidson, who provided the plan for the research and analyses to be undertaken. The research and analyses were carried out by Cynthia G. Brown and Jill Reid, respectively Co-director and Research Associate of the Equality Center. Their preliminary report to the Monitoring Commission has been reorganized in part to constitute most of the text and appendices presented here.

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I. INTRODUCTION

The Board of Education, City of Chicago, retained the services of respected, expert educational consultants to review the policies and procedures of its Department of Pupil Personnel Services and Special Education. The consultants developed a series of recommended actions based on their findings to reduce the potential for bias in the referral, assessment, and placement procedures for special education. These recommendations are incorporated in the Educational Components section of the Student Desegregation Plan for the Chicago Public Schools, adopted by the Board in 1981.

In 1981 the General Superintendent of Schools, pursuant to a recommendation in the Student Desegregation Plan, appointed the Monitoring Commission for Desegregation Implementation. The Commission is responsible for assessing the implementation of desegregation policies with special focus on special and bilingual education programs and minority schools unaffected by physical desegregation. This status report to the General Superintendent presents the Commission's analysis of the progress toward implementing recommendations specific to the special education program, and offers the Commission's further recommendations to enhance that progress. The report only covers the Commission's review of documentation through June, 1984.

II. BACKGROUND

The fundamental issue addressed in the recommendations was the potential for racial and ethnic discrimination in special education referral, evaluation, and placement procedures especially as they are used to identify minority students as educable mentally handicapped (EMH). In particular, the validity and nature of the tests used in these procedures was a central concern reflected in the recommendations. Concerns about parent involvement and staff development also were expressed.

Pursuant to these recommendations, the Board of Education discontinued the use of intelligence tests in evaluating students for special education until the tests had been validated for that purpose. The Board also formed a Task Force on Nondiscriminatory Assessment and Special Education which developed an implementation process in relation to the recommendations, including a pilot Reassessment Project.

The Department of Pupil Personnel Services and Special Education initiated concurrent activities to design and validate an assessment process and to reassess students classified as EMH to determine their need to continue in special education or to return to regular classes. These activities were accompanied by increases in staff development and in efforts to enhance parental involvement and ensure informed parental consent for the reassessment of students. These activities required extensive commitments

of time as well as staff and were not subsidized by any increases in resources -- funding or personnel.

Board staff state that the tests and other instruments used in the Reassessment Project have been validated for the specific purpose of evaluating a particular aspect of a child's development, and are widely accepted in the psychological field. However, the Board is also conducting a validation study of the overall psychological component of the reassessment process, and is doing so concurrently with and after the actual reassessment and reassignment of students.

According to the Board, Interim Status Report on EMH Reassessment and Transition Project, March, 1984, p.6 "as of June, 1983, more than 6,843 students were reassessed. Of these 71.8 percent were recommended to remain in EMH programs and 28.0 percent were recommended for regular education classes." Students returned to regular education received special transition services; at the end of the school year, 79 percent of those students were promoted.

A. Scope and Limitations of This Report

This interim report describes and analyzes, as far as possible, the Board's progress in implementing the recommendations of the Student Desegregation Plan for special education. The analyses rely on public reports and documentation. In its next report the Commission will undertake on-site monitoring of the referral, staffing and placement

procedures at the local school level. The Board still is in process of completing the Reassessment Project. A task force of experts is reviewing the entire Reassessment program. Their report with recommendations for future directions will be included in the Commission's next status report.

III. BOARD PROGRESS REGARDING IMPLEMENTATION OF SPECIAL EDUCATION RECOMMENDATIONS

In order to ensure that special education programs, policies, and procedures are nondiscriminatory and provide equal educational opportunities to affected students, the Board of Education has undertaken several major activities which required extensive commitments of staff and monetary resources. The Board should be commended for its willingness to tackle some very complex problems that require carefully designed, sophisticated approaches without significant increases in staff or funds to implement the goals. The Board recognizes that "(h)ad such resources been available, the implication and impact of the project could have been more fully delineated and comprehended." (Annual Desegregation Review, 1982-83, Part II: Recommendations on Educational Components, p. 210; hereafter referred to as "ADR".)

Unfortunately, the degree of success of the Board in reaching its objectives was seriously constrained by its efforts to achieve sequential goals within an inadequate time frame.

The Reassessment Project was successful in returning a significant number of students to regular education, but many problems still remain. Black students are still significantly over-represented in EMH programs, and the validity of some assessment procedures used for the EMH placement of minority students has not yet been fully established.

The tasks confronting the Board did not lend themselves to concurrent activities to resolve the identified problems. Appropriate implementation of certain recommendations was directly dependent on successful completion of other recommendations. For example, nondiscriminatory reassessment of all EMH students could not realistically be performed and assured until the non-discriminatory character of the assessment process had been established.

Another component necessary to ensure nondiscrimination is comprehensive systematic staff development and training for all staff involved with or affected by the reassessment tools and procedures. For example, the Board of Education's decision to reassess EMH students prior to or concurrently with validation and staff training processes raises questions about the accuracy of the reassessment results. In light of this, it is possible that some students who could be appropriately served in regular education classes continue to be placed in EMH classes. This cannot be determined until the accuracy and reliability of the reassessment program has been determined.

The approach to implementation coupled with time pressures prompted decisions, short-cuts, and omissions that have allowed some of the original problems and questions to remain unresolved. Current data reveal:

(1) although black students constitute only 51 percent of the total student population in Chicago public schools,

- o 82 percent of all educable mentally handicapped (EMH) students are black (March, 1984 Interim Status Report.)

(2) while most of the tests and other instruments used to assess/reassess students for EMH programs are individually validated for evaluating specific traits, the overall psychological assessment process still has not been validated for the purposes they are intended to serve. (March, 1984, Special Education Enrollment Data.)

In addition, available reports offer no evidence that least restrictive environment requirements were considered when reassessed students were returned to EMH placements. It may be, then, that many EMH students continue to be unjustifiably isolated from their non-handicapped peers. If so, EMH placement options may continue to reflect patterns of racial segregation. There is no definitive information to prove the point.

An overall assessment of actions taken by the Board to implement the recommendations on special education is presented below in Chart I: Status of Implementation of the

Special Education Recommendation. It summarizes the degree of Board implementation or actions on various desegregation recommendations for special education. The Chart describes actions taken in the areas of assessment procedures, referral procedures, monitoring and annual reporting, staff development, additional study and review, and transition programs. A detailed discussion of those actions appears in Appendices A and B.

Chart I

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

ASSESSMENT PROCEDURES		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascertain
RECOMMENDATION 1 Assessment Procedures	Reassess students in special education programs, using a scale of Adaptive Behavior (see recommendation 2) or another standardized instrument with independently validated local norms.		Appropriate Actions Still Needed		
RECOMMENDATION 2 Adaptive Behavior Scale	Gather information on adaptive behavior in assessing all handicapping conditions except those expressly excluded in the Federal and Illinois guidelines. The adaptive behavior scale selected should have the following characteristics:				
	a. Uses information by direct observations or from parent or guardian				X
	b. Uses a scale which has internal, external, and normative validity				X

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascertai
	c. Has been standarized for the population on which it is being used				X
RECOMMENDATION 3 Socio-cultural Background Information	Gather socio-cultural background information.				
	a. Adopt systematic procedures for collecting information on the socio-cultural environment in which the student is being reared.				X
	b. Require assessment personnel to take socio-cultural background factors into account in interpreting any measures of adaptive behavior.				X
RECOMMENDATION 4 Health History	Provide for assessment of health history.				

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

	Implementation Status			
	Complete	Partially Completed	Not Implemented	Cannot Ascertain
a. Give all children referred for assessment screening tests for vision (both near and far) and for hearing, using standardized audiometric techniques.				X
b. Give all children referred for assessment screening tests for motor coordination or dexterity, such tests to include visualmotor coordination, fine motor sequencing, equilibrium, ambulation and gross motor coordination.				X
c. Interview parents to collect systematic health data in order to determine whether the child's present academic or behavior difficulties may be related to health impairment.				X

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascertai
RECOMMENDATION 5 Data-based Techniques For Limited English Speaking Students	Develop data-based techniques equivalent to those used with English-speaking children for use in measuring educational and psychological characteristics of children with limited English proficiency.			X	
RECOMMENDATION 6 Terms and Criteria Used In Assessment Procedures	Clarify and define precisely the terms and criteria used in the descriptions of non-discriminatory assessment procedures and instruments.			X	
RECOMMENDATION 7 Intelligence Tests	Discontinue the use of standard individual tests of intelligence as the sole or primary source of information in the special education screening and evaluation of black and Hispanic children.	X			
RECOMMENDATION 8 Criterion-Referenced Measures	Move immediately in the assessment process toward the use of such measures as criterion-referenced, rather				

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascertai
	than norm-referenced, tests calibrated to specific curriculum and to performance in specific academic areas.			X	
REFERRAL PROCEDURES					
RECOMMENDATION 1 Non-Discriminatory Referral Procedures	Establish a program to insure accurate, non-discriminatory referral procedures for the EMH program, and as appropriate for other Special Education categories, consistent with the following guidelines:				
	a. Strengthen the use of alternative educational strategies in the regular classroom before recommending referral of students for placement in special education classrooms.	X			
	b. Accept referral for placement of any student in a special education				

Chart I (Contin

STATUS OF IMPLEMENTATION OF THE SPECIA

	program only after at least three alternative strategies have been used unsuccessfully to accommodate the child's learning problems in the regular classroom setting.
RECOMMENDATION 2 Informed Consent Guidelines	Establish informed consent guidelines. a. Establish a system of procedural safeguards to insure that consent is informed consent. b. Encourage parents to be accompanied or represented by an individual of their choice who is qualified to understand and explain placement procedures and recommendations.
RECOMMENDATION 3 Parental Involvement In The Assessment Process	Involve parents in the assessment process.

Continued)

SPECIAL EDUCATION RECOMMENDATIONS

	Implementation Status			
	Complete	Partially Completed	Not Implemented	Cannot Ascertain
ast gies fully 's				
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Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

	Implementation Status			
	Complete	Partially Completed	Not Implemented	Cannot Ascertain
a. Require that in all cases needing a comprehensive case study, a parent or surrogate of the child will be interviewed by a trained interviewer.				X
b. Insure that the interview elicits scorable, systematic, standardized information which includes the following: the child's health history and adaptive behavior in the family and community, and the sociocultural and linguistic characteristics of the family background.				X
c. Insure that the parent or parent surrogate will be fully informed of the nature of the evaluation procedures, the nature of the program for which the student is being assessed, and the family's rights under law.				X

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascertai
	d. Require that the staff conference be preceded by the parent interview; information gathered in the parent interview should be used at the staff conference in making educational decisions, and the staff conference may not be substituted for the parent interview.				X
MONITORING AND ANNUAL REPORTING					
RECOMMENDATION 1 Monitoring And Annual Reporting System	Establish a system to monitor, on an annual basis, the rate of student placements, by ethnic groups, into special education programs.				X
STAFF DEVELOPMENT					
RECOMMENDATION 1 Staff Development Program	Establish a required program of staff development for all				

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

	Implementation Status			
	Complete	Partially Completed	Not Implemented	Cannot Ascertai
personnel, including administrators and principals, responsible for the education of handicapped students. Staff development should include the following topics:				
a. principles of psychometric and edumetric testing		X		
b. principles of test construction (including issues of validity and cultural bias)		X		
c. principles of non-discriminatory assessment.		X		
d. courses that lead to behavioral competencies in and knowledge of the cultures of the children being served.		X		
e. courses that lead to an understanding of the				

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascertain
	different learning and cognitive styles employed by children		X		
	f. preparation of individualized educational programs		X		
	g. preparation for implementation of mainstreaming		X		
ADDITIONAL STUDY AND REVIEW					
RECOMMENDATION 1 Professional Committees And Task Force	Establish a committee of district staff local and national specialists to conduct an in-depth review of the screening, testing, placement, and mainstreaming procedures and practices in the Chicago public schools, with particular focus on the development of staff capabilities in this area.		X		

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Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascertain
RECOMMENDATION 2 Professional Committees And Task Force	Authorize the committee to examine the state of the art of nondiscriminatory assessment procedures and make recommendations as to the effectiveness of these approaches.		X		
RECOMMENDATION 3 Professional Committees And Task Force	Establish a second Task Force composed of both staff and outside consultants to undertake a comprehensive review of the system's student testing and evaluation procedures, including both citywide and locally administered tests and the use to which data so collected is put, especially the manner in which it impacts on the development and implementation of the curriculum, on related aspects of management, funding, personnel selection, and utilization of resources.		X		

Chart I (Continued)

STATUS OF IMPLEMENTATION OF THE SPECIAL EDUCATION RECOMMENDATIONS

		Implementation Status			
		Complete	Partially Completed	Not Implemented	Cannot Ascerta
RECOMMENDATION 4 Professional Committees And Task Force	Authorize the initiation of activities by this Task Force, with the Final Report due July, 1981.	X			
TRANSITION PROGRAM					
	Recommendations do not specifically discuss the transition services to EMH students who would be returned to regular education. However, the Department recognized these services as an appropriate and necessary component of the Reassessment Project, and they constitute part of the progress toward ensuring nondiscrimination in Chicago's public educational programs.		X		

IV. MONITORING COMMISSION'S RECOMMENDATIONS

In order to ensure nondiscrimination in the policies, procedures, and operations of Chicago's special education programs, the following recommendations are offered, and in some instances reiterated, to the Board of Education. The immediate purposes of these recommendations are to prevent misclassification of students and to return any students not requiring special education to regular education programs. However, the benefits of carefully revised and refined procedures for referral, identification, and placement will extend to other students -- current and future -- who may experience difficulties in school.

These recommendations are grouped under the following headings: Evaluation/Assessment, Referral, Monitoring and Annual Reporting, Staff Development, Additional Study and Review, and Transition Programs.

A. Evaluation And Assessment

(1) Confirm the validation of tests and other instruments, including adaptive behavior scales, for the specific purposes for which they are used in the placement of racial and ethnic minority students in classes for the educable mentally handicapped (EMH).

(2) Determine the accuracy and reliability of the overall process used to assess students for EMH placement. If accuracy and reliability are established then conduct annual reviews of all students currently placed in EMH Classes. If not, then reassess all students then assigned to EMH classes to determine that such placements are appropriate to each student's individual educational needs. The reassessment procedures must ensure that:

- o all tests, adaptive behavior scales, and other measures used to evaluate the students have been validated for the purposes they serve;
- o all tests and other measures are administered in the student's native language;
- o socio-cultural background information is considered in interpreting measures of adaptive behavior;
- o least restrictive environment requirements are observed in each special education placement decision (i.e., that adequate and appropriate documentation is used to justify the extent of segregation from non-handicapped students); and

- o appropriate tests for physical or other health impairments are performed to identify/rule out other problems which can impair student performance.

(3) Ensure that each phase of the reassessment process is implemented by personnel trained to perform the tasks involved, especially where linguistic-minority students are involved.

(4) Develop and implement systematic methods and procedures for collecting socio-cultural background information on students being assessed for special education placement. These procedures should clearly delineate how such information must be used in interpreting measures of adaptive behavior.

(5) Develop linkages with area health facilities and personnel or health-focused organizations (e.g., Society for the Prevention of Blindness) to assist with health/medical assessments that require specialized equipment and/or personnel (e.g., vision, hearing, sensory-motor, serological evaluations).

(6) Identify criterion-referenced, rather that norm-referenced, tests calibrated to specific curriculum and to performance in specific academic areas for use in the assessment process.

(7) Publish a glossary which precisely clarifies and defines the terms and criteria used in the descriptions of nondiscriminatory assessment procedures and instruments, and provide copies to all involved or affected personnel. (The development of this glossary has already been identified as a responsibility of a reconvened Task Force.)

(8) Monitor and analyze data on special education placements, especially those in EMH and educationally handicapped (EH) programs, to identify disproportionate enrollments of racial and ethnic minority students. Where disproportionate enrollments exist, conduct a systematic and thorough investigation to determine the causes and undertake appropriate corrective measures.

(9) Develop and implement plans to reassess other categories of special education students, especially those in EH programs, using tests and other measures validated for such use to ensure that no misclassifications have occurred.

B. Referral

(1) Develop and implement specific procedural guidelines for each of the seven stages of the Pupil Personnel Service Model including:

- o methods for increasing interdisciplinary linkages; and

- a requirement that at least three intervention strategies be used with a student over a reasonable period of time, but without success, prior to referral for a special education evaluation.

(2) Specifically define and describe the interrelationships among the Pupil Personnel Service Model, the four stages of the Consultation project, the Assess-Involve-Maintain project, and the Primary Mental Health Project.

(3) Develop specific procedures and methods for informing parents of the nature and meaning of all phases of the referral, evaluation, and placement process in terms they can understand, and for involving parents in the process to the maximum extent possible. These procedures should also delineate methods which ensure that:

- parents are interviewed prior to the staffing conference by a trained interviewer;
- interviews elicit systematic, standardized information including the child's health history, adaptive behavior in the home and community, and socio-cultural and linguistic characteristics of the family background; and
- parents understand their rights under law and how to use them.

(4) Ensure the availability and involvement of bilingual personnel in cases of linguistic-minority students experiencing difficulties in regular education programs.

C. Monitoring And Annual Reporting

(1) Ensure that the various systems identified to track or monitor information on students are sufficiently compatible or integrated to prevent "losses" of the students in or between these systems -- for example, the comprehensive student accounting system, the computerized tracking system, the data management system, and the computerized base of student records.

(2) Develop procedures to protect the student's and family's privacy rights under law.

(3) Identify the office or unit with specific responsibility for on-going monitoring of compliance, and the procedures for performing this function.

(4) Establish reporting requirements for all aspects of compliance, especially the rate of student placements in special education by race/ethnic group, classification, and type of placement.

D. Staff Development

(1) Develop systematic, developmental training programs in the referral, evaluation, and placement procedures and related areas for each category of staff involved with students who are or may be referred for special education, and identify and implement methods by which such training can be required for all staff.

E. Additional Study And Review

(1) In addition to reconvening the Task Force on Non-discriminatory Assessment and Special Education, implement plans to expand the advisory board into an advisory council. Representatives of community-based organizations which have demonstrated their interest in and commitment to ensuring nondiscrimination in public education programs should be encouraged to participate on the Task Force and advisory board/council in order to:

- o secure their advice and comment in the developmental stages of policies and procedures rather than limiting them to a reactive and potentially adversarial role; and
- o coordinate activities of agencies and organizations which share a common goal to develop and secure non-discriminatory, high quality public education programs.

(2) Develop procedures for systematically informing and transmitting, in a timely fashion, all pertinent reports or other information to this Commission which are necessary for the fulfillment of its monitoring responsibilities.

F. Transition Program

(1) Develop guidelines for tailoring the duration as well as the nature of transition services to individual student needs including consideration of the student's age and the length of his/her placement in the EMH program.

(2) Develop procedures which ensure that the progress of transitioned students is evaluated using tests and other measures that are not racially and culturally discriminatory.

G. Resource Provision

(1) Establish and promulgate a time limit on the reassessment validation study, counting 1983-84, as the first implementation year.

(2) In the allocation of funds, the Board should give priority to adequate funding for research and publication efforts necessary to assure that staff have the resources necessary to carry out the recommendations set forth above.

APPENDIX A

Monitoring Commission's Analysis of the
Progress of the Chicago Board of Education
in Implementing the Student Desegregation Plan's
Recommendations on Assessment Procedures
for Special Education

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Student Desegregation Plan's
Recommendations on Assessment Procedures

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The Student Desegregation Plan submitted recommendations concerning special education in the topical areas of Assessment Procedures, Referral Procedures, Monitoring and Annual Reporting, Staff Development, and Additional Study and Review. To these five topical areas a sixth -- Transition Program -- has been added for review.

This appendix addresses concerns about only one of the topical areas -- Assessment Procedures. The other areas just mentioned are covered in Appendix B of this report.

The Plan presented eight recommendations pertaining to Assessment Procedures. The sub-topics in this area were specific assessment procedures, adaptive behavior, socio-cultural background information, health history, data-based techniques for limited-English speaking students, terms and criteria used in assessment procedures, intelligence tests, and criterion-referenced measures.

I. ASSESSMENT PROCEDURES

The first recommendation of the Student Desegregation Plan was the following:

Desegregation Plan Recommendation Number 1
(Assessment Procedures)

Reassess students in special education programs, using a scale of Adaptive Behavior (see recommendation 2) or another standardized instrument with independently validated local norms.

A. Action Taken

In May, 1982, the Board of Education undertook pilot Reassessment Projects in two sub-districts of Chicago for students in classes for the educable mentally handicapped (EMH). Based on the model developed in the districts, the Reassessment and Transition Project was implemented in the remaining 18 subdistricts in September, 1982.

At that time, 10,572 students were enrolled in EMH classes. Of that number, 2,416 students were excluded from the Project because they were in one of three categories: they were high school seniors; they had been reassessed and placed within the preceding twelve months; or they had been determined no longer eligible for EMH placement but had not yet returned to regular education. The remaining 8,156 EMH students were to be reassessed by June, 1983.

As of June, 1983, more than 6,843 EMH students had been reassessed. Of these students, 28 percent -- 1,917 students -- were recommended for regular education placements, and 72 percent were recommended for continuation in EMH programs.

Table 1

PERCENTAGES OF REASSESSED STUDENTS, BY RACE AND ETHNICITY, RECOMMENDED FOR PLACEMENT IN REGULAR EDUCATION AND EMH PROGRAMS, 1984, COMPARED WITH TOTAL SCHOOL ENROLLMENT (JUNE, 1983)

Race or Ethnicity	Recommendation: Regular Education	EMH Program	Total School Enrollment
Black	86.0%	81.1%	60.6%
White	6.4%	9.5%	15.6%
Hispanic	5.8%	8.2%	21.2%
Other	0.5%	0.5%	2.5%

Source: "Interim Status Report on EMH Reassessment of Transition Project," March 9, 1984; hereafter cited as "Status Report". Percentages in the source document do not add to 100.0 percent.

Of the 1,917 EMH students to be placed in regular education, 465 were returned to the regular program by June 30, 1983, with the aid of newly developed transition services. In September, 1983, the balance -- 1,452 students -- were to have received transition services to assist their return to regular education [Annual Desegregation Review 1982-83, Part II: Recommendations on Educational Components, p. 202; hereafter cited as "ADR"]; however, subsequent

reports do not indicate the extent to which those plans were implemented.

Available reports on the Reassessment Project speak of using:

(1) "the new non-discriminatory and non-biased assessment techniques" [("Working Draft: Summary of the EMH Reassessment Project," October, 1983, p. 5; hereafter cited as "Summary"], and

(2) "newly developed locally normed non-discriminatory assessment instruments" ["Department of Pupil Personnel Services and Special Education: Annual Report of Accomplishments," July 22, 1983, p.1; hereafter cited as PPS/SE Report].

The Department states that placement "[d]ecisions were based on multiple factors, including the child's adaptive behavior and parental consent." [PPS/SE Report, p. 1.] One report from the Bureau of Child Study states that the Bureau ". . . continues to use a method of evaluation which is eclectic and comprehensive. It encompasses psychometric testing, clinical techniques, multi-factor analysis, behavioral observations, consultations and team discussions." ["Response to 'Caught in the Web' (Designs for Change Report)", p. 7; hereafter cited as "Response: CW".]

B. Analysis of Board Progress

The Chicago Board of Education was indeed confronted with a formidable task in reassessing such a large number of

students for appropriateness of assignment to regular education placements or educable mentally handicapped (EMH) programs. It should be commended for its extensive efforts and for returning a significant number of students to regular education. However, the reports available to this Commission do not provide information or explanations to answer several questions regarding students still assigned to the EMH program. These questions directly relate to the basis on which the Reassessment Project was undertaken -- to ensure that assessment procedures are accurate and non-discriminatory. Specific issues are:

1. Overrepresentation of Blacks in EMH Programs

The Reassessment Project resulted in the return of more than a fourth of EMH students to regular education; however, the data reveal that disproportionate representation of black children in EMH classes persists. The reasons suggested for this by the Board include: local variation in the rates of referral for assessment, the decision to reassess and not reclassify or review for placement changes, parental preferences, local participation in the assessment procedures, and the continuing effects of socio-economic deprivation. ["Interim Status Report on EMH Reassessment of Transition Project," March 9, 1984, p.7; hereafter cited as "Status Report".] These reasons do not totally explain the continuing racial disproportion in Chicago's EMH programs:

a. Local variations in rates of referral

It is reasonable to expect that referral rates may vary from one school, one community, one city, one district or one locality to another based on a variety of legitimate factors peculiar to each locality, or because some of the teachers are insensitive to certain groups of children. However, the proportion of referrals from each locality which are valid and result in appropriate special educational placements are likely to be similar for each locality. In other words, black students may be referred for special education at higher rates than other students in certain localities, but non-discriminatory assessment and evaluation procedures should identify students who have been improperly referred and properly belong in regular education. Given there is no other compelling explanation of a higher incidence of EMH in a certain locality, racially disproportionate placements should not result. The assertion that variations in referral rates necessarily creates the racial disproportions in EMH placements leads to questions about the weight accorded to the referrals themselves in interpreting assessment data.

The department has undertaken new procedures to be used at the local school level prior to referral to special education. These procedures require multiple intervention strategies by a variety of school personnel to assist children who are having difficulties in their regular classes.

without retesting or interviewing him or her." [p.5.] The statement may be accurate as it relates to annual reviews of Individualized Education Programs (IEP's), but when a review is conducted in contemplation of a change in educational placement (e.g., removal from EMH classes to regular education), federal law requires an evaluation of the student. Section 504 of the Rehabilitation Act of 1973 requires:

> A recipient that operates a public elementary or secondary education program shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in a regular or special education program and any subsequent significant change in placement. [Regulations Implementing Section 504: 34 CFR 104.35(a); hereafter cited as Section 504] (Emphasis added.)

In addition, the procedural safeguards required by the federal special education law apply. [Regulations Implementing Public Law 94-142, Education of the Handicapped Act: 34 CFR 300.504 (a) (1) and 300.505 (a) (3); hereafter cited as EHA.] These safeguards require parental notice for such a change that is based among other things on a "description of each evaluation, procedure, test, record, or report the agency uses as a basis for the proposal . . ." [EHA: 34 CFR 300.500(a) (3).] (Emphasis added.) Thus, a simple "review" of each EMH student's record could not result in a legal change in placement from the EMH program to regular education without a re-evaluation or reassessment of the student's present educational needs.

The Status Report asserts that "To reclassify is simply to retest children on a standardized instrument and set a cut-off score to determine classification. Those children who are on score or above would be placed in regular classes and those below would remain in EMH classes." [p.5.] Reclassification of a student (from one category of handicap to another, and especially from special to regular educational programs or vice versa) constitutes a change in placement which, as stated above, invokes procedural safeguards requiring an evaluation of current educational needs on which to base the action. Further, if such placement decisions were based solely on a standardized instrument with a cut-off score, they would violate the requirement that these decisions "Draw upon information from a variety of sources" [EHA: 34 CFR 300.533(a) (1)] and not rely on any single procedure. Even if the definitions the Board uses in its report could be accepted as written, and the Board's distinction of reassessment is accepted as the most rigorous procedural option to ensure unbiased results, the specific factors that causes the persistent overrepresentation of blacks in EMH classes are still not identified.

c. Parental preferences

The report of the court states that some parents requested permission to continue their children's EMH placements due to small class sizes and other positive features of the program. While the parent's feelings are under-

standable, it is possible that some of their children are improperly classified and placed. Where reassessments were done and the results indicated proper placement in regular education, retention in the EMH program is inconsistent with the needs of the child and therefore illegal. The Board of Education should correct such placements without delay.

Other reports suggest that some parents were unwilling to give consent for the reassessment. It is understandable that the Board may not have exercised its right to request impartial hearings in efforts to reassess children whose parents refused to give consent [School Code of Illinois: Section 14-8.02; and EHA: 34 CFR 300.504(c) (1)] given the time constraints and the very large numbers of children for whom parental consent had been obtained. However, it should seek consent to reassess any children who may be in this category; if the parents are unwilling, impartial hearings should be requested to secure consent.

Since no data are available on race or ethnicity of the parents in either of the above categories, it is impossible to determine the actual effect of their decisions on the racial disproportions in the EMH program.

d. Local participation in the assessment procedures

This suggested reason for the continuing disproportionate enrollment of blacks in EMH programs is unclear and requires further explanation.

e. Continuing effects of socio-economic deprivation

The Bureau of Child Study offers the following elaboration on the factor of socio-economic deprivation:

> Minority overrepresentation could be a misleading issue that might result in the negation of the pressing needs of children coming from disadvantaged environments. There is no question that these children need special services. Once effective services are provided, full mainstreaming is expected. ["Response: CW", p.6.]

Socio-economic deprivation is <u>not</u> the primary factor on which classification as EMH is made. While such deprivation may contribute to the educational needs of a child, unless concurrent deficits in intellectual functioning <u>and</u> adaptive behavior can be documented, such a child is eligible for "special services" such as compensatory education, <u>not</u> an EMH program.

In addition, before any special education placement can be prescribed to remedy these "pressing needs," several factors must be determined including:

(1) the specific nature and extent of each need,

(2) the type(s) of special services required to meet each of the needs, and

(3) the program(s) best suited to provide the identified services.

The justification for an appropriate EMH placement must be that the educational needs and consequent service requirements <u>cannot</u> be met in a regular education setting, <u>and</u> that an EMH program is the proper special educational

setting. In addition, such placement decisions must identify the extent to which the student will continue to participate in certain regular education programs and activities. [EHA: 34 CFR 300.346(c).]

2. Students Excluded from the Reassessment Project

Students who had been assessed and placed in EMH classes between September, 1981, and the beginning of the full Reassessment Project in September, 1982, were excluded from the Project. The reason for this exclusion offered by the Department in response to an outside inquiry was that:

> The Board recognized that there would have to be a transition period prior to the implementation of a new psychoeducational assessment technique. [Response prepared by PPS/SE "Request by Designs for Change for Additional Information", February 14, 1984, p.1.]

Neither this statement nor the description of the "nondiscriminatory approach" which follows explains why this critical segment of the EMH population was omitted.

Since the new, non-discriminatory assessment model was not in use at the time these students were evaluated and placed, the possibility of misplacements among them is just as great as for those groups of students who preceded them. The probability of detecting and correcting misplacements among these "newer" EMH students would have been greater because any misplacements would have had less time to produce negative effects on the reassessment results. More importantly, however, any misplacements that may have

occurred within that group were unnecessarily extended by the decision to exclude them from the Reassessment Project.

This also raises the legal question of whether reassessments were or should have been conducted in the required annual reviews of IEP's and educational placements [EHA: 34 CFR 300.343(d) and 300.552(a) (1)] for the newer EMH students, since the procedures under which the students had been placed had become suspect. It appears that such suspicion would warrant the reassessment/reevaluation contemplated by applicable federal [EHA: 34 CFR 300.534 (6)] and state [School Code of Illinois: Section 14-8.01] laws.

3. Expected Outcomes of Reassessment

Three documents [Status Report, p.6; "Working Draft: Summary of the EMH Reassessment Project," October, 1983, p.3; and ADR, p.201] state that staffing conferences produced one of two outcomes for reassessed students: continuation in special education, or return to regular education with transition services. Although the Status Report asserts that the "goal of a pupil's potential assessment would be to determine the individual child's learning processes and learning styles, not to label the child" [p.5], the actual placement decisions made were categorical rather than functional:

> The decision being made is quite singular in nature, i.e., should the child remain in the EMH program or be transitioned. Beyond that further evaluation would be required to determine additional program options. [Response: CW, p.19.]

The limitations imposed by these expectations suggest a bias in the reassessment process. It is not clear that placement options other than EMH and regular education were anticipated or available in view of the narrow outcome expectations of the Reassessment Project. One report indicates that at staffing conferences where "there were indications of other educational needs, students were referred for additional study by the team." [Status Report, p.6.] However, "other educational needs" are not defined, and there is no indication that placement decisions were deferred pending the results of "additional study."

Predetermined placement expectations, such as EMH versus regular education, result in a labeling process rather than a determination of the nature and scope of each student's individual educational programming needs. In addition, confining placement options to an artificially limited number of categories does not comply with the legal requirement that programs be "designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met." [Section 504: 34 CFR 104.33 (b) (1) (i).] The Reassessment Project was predicated on the contention that previous assessment procedures may have resulted in misclassification of some students, and failure to evaluate for other types of disability which can affect student performance serves to perpetuate past misclassifications.

4. Appropriateness of Assessment Instruments

Federal law requires that instruments used to evaluate children for special education must be "validated for the specific purpose for which they are used." EHA: 34 CFR 300.532(a) (2); Section 504: 34 CFR 104.34(b) (1). This requirement is reiterated in Regulations and Procedures for Chicago public schools p.20 . According to available reports, the Board declined to adopt reassessment methods used in some other school districts and rejected its consultants' recommendations of certain instruments. The Board chose "to develop and refine diagnostic procedures which did not rely on traditional measures and which yielded sufficient psychological information." ADR, p.197. The result was the Bureau of Child Study's Psychoeducational Assessment Procedures which became the method of assessment in the Project.

Board staff state that the tests and other instruments used in the Reassessment Project have been validated for the specific purpose of evaluating a particular aspect of a child's development, and are widely accepted in the psychological field. However, the Board is also conducting a validation study of the overall psychological component of the reassessment process, and is doing so concurrently with and after the actual reassessment and reassignment of students.

There has been considerable confusion between these two aspects of validation, even in the Board's own documents:

> The Bureau of Child Study is currently engaged in an all out effort to validate the instruments being used in the assessment techniques for the purposes of determining validity. [Response: CW, p.18.]
>
> and
>
> Necessarily, to fully standardize and validate these procedures, further efforts with the assistance and direction of experts in the field are recognized and anticipated. [Summary and Bureau of Child Study Addendum, p.2.]

Thus the claimed validity of the individual tests needs to be verified. But more important, the accuracy and reliability of the Board's reassessment process is still being studied, even though the actual evaluation and reassignment of students has already taken place. Therefore, any reassessments performed in the Project cannot accurately be characterized as conclusive.

5. Reassessment of Other Special Education Students

It is not clear in the documents available to this Commission what procedures the Board will use to reassess special education students not classified as EMH, or when that process will take place. If plans have been developed to conduct this reassessment, copies should be made to the Commission. If such plans do not exist, they should be developed without delay.

II. ADAPTIVE BEHAVIOR

The Student Desegregation Plan expressed concern about use of information on adaptive behavior in assessments, and the scale employed to obtain such information. The specific recommendation was the following.

Desegregation Plan Recommendation Number 2
(Adaptive Behavior)

Gather information on adaptive behavior in assessing all handicapping conditions except those expressly excluded in the Federal and Illinois guidelines. The adaptive behavior scale selected should have the following characteristics: a.) Uses information by direct observations or from parent or guardian; b.) Uses a scale which has internal, external, and normative validity for the purposes for which it is being used; c.) Has been standardized for the population on which it is being used.

A. Action Taken

The documents available to this Commission make general references to assessments of adaptive behavior:

(1) assess "dimensions. . .(of) role behavior at school and home" [Summary, p. 2 of Bureau of Child Study Addendum];

(2) "locally normed non-discriminatory measure of. . . adaptive functioning" [Ibid., p. 2]; and

(3) "clinical analysis of the student's independent social functioning in the family, community and school" [Summary: 1982-83 School of Social Work Responsibility in the EMH Reassessment Project].

The Vineland Adaptive Behavior Scale is cited as the instrument used in the Reassessment Project [Response: CW, p. 24.] Since this instrument is still in the process of being validated and standardized for local populations, it is impossible to evaluate its compliance with the recommendation regarding adaptive behavior assessments.

B. Analysis of Board Progress

In addition to incomplete validation for local purposes, there is another concern regarding the Vineland Scale -- used as an instrument for reassessment -- which raises questions of potential bias or discrimination. Board descriptions of the Vineland Scale characterize it as "a loosely structured interview which requires considerable skill on the part of the examiner." [Summary, p.24.] The "loose structure" implies considerable leeway in the method of administration which, in turn, increases the necessity for non-bias and "considerable skill" in the examiner. Heavy reliance on subjective judgments and individual skills of examiners invites biased results absent rigorous training in the use of the instrument and a system of checks to identify patterns of bias.

There is also some indication of confusion about the intent of the recommendation to use an adaptive behavior scale. The official response to that recommendation adds a component not found in the Plan's recommendations:

> Use of an adaptive behavior instrument to substitute for the discontinued intelligence tests would violate Federal and State guidelines which requires that no one instrument be used as sole criterion for eligibility or placement. [Status Report, p. 3.] (Emphasis added.)

There is no evidence that the Student Desegregation Plan intended to substitute adaptive behavior assessments for intelligence tests, but rather that adaptive behavior assessments must be conducted as a part of the assessment process in compliance with federal, state, and local laws. The Board's response is therefore confusing and may be inappropriate.

III. SOCIO-CULTURAL BACKGROUND INFORMATION

The use of socio-cultural background information was also an area of concern expressed in the Student Desegregation Plan. The specific recommendation addressing the point was the following.

Desegregation Plan Recommendation Number 3
(Socio-Cultural Background Information)

Gather socio-cultural background information: a.) Adopt systematic procedures for collecting information on the socio-cultural environment in which the student is being reared; b.) Require assessment personnel to take socio-cultural background factors into account in interpreting any measures of adaptive behavior.

A. Action Taken

Recognition of the need for socio-cultural background information is expressed in terms of viewing the child "as a complex organism . . . interacting with its unique socio-cultural environment." [Summary, p. 2 of Bureau of Child Study Addendum.] The responsibility for assessing the socio-cultural background of the family is identified as one of the "major dimensions" of the psychologists' role. [Ibid.]

B. Analysis of Board Progress

No more specific description of this type of data gathering nor any systematic procedures for it can be found in the available documents. There is also no indication of how personnel will be required to take socio-cultural

factors into account in the interpretation of adaptive behavior assessments. Therefore, the Department's compliance with this directive cannot be determined.

IV. HEALTH HISTORY

Assessment procedures also need information about health histories, created through tests, other screening methods, and interviews. The recommendation was the following.

Desegregation Plan Recommendation Number 4
(Health History)

Provide for assessment of health history: a.) Give all children referred for assessment screening tests for vision (both near and far) and for hearing, using standardized audiometric techniques; b.) Give all children referred for assessment screening tests for motor coordination or dexterity, such tests to include visual-motor coordination, fine motor sequencing, equilibrium, ambulation, and gross motor coordination; c.) Interview parents to collect systematic health data in order to determine whether the child's present academic or behavior difficulties may be related to health impairment.

A. Action Taken

Among the "major dimensions psychologists assessed were health/medical factors, (and) sensory-motor ability" [ADR, p. 199]. In addition, a nurse and "a vision and hearing tester" are identified as members of each multidisciplinary team. [ADR, p. 200.] The procedures used in these assessments of health/medical/physical factors are not identified in the documents provided by the Board.

B. Analysis of Board Progress

Children with undiagnosed physical problems can exhibit serious difficulties with school work that are sometimes

mistaken as retardation. In order to avoid misclassification, it is important to eliminate such problems as possible causes of poor school performance through proper physical evaluations. Federal law requires that tests and evaluations, including those for physical disabilities, be "administered by trained personnel in conformance with the instructions provided by their producer." [EHA: 34 CFR 30.532 (a) (3).]

Generally, psychologists are not trained or certified to perform audiological, vision or sensory-motor (such as visual-motor integration and equilibrium) evaluations, and therefore cannot provide the kind of evaluations necessary to rule out or to diagnose such physical problems. The reference to a "vision and hearing tester" as a member of the team offers no indication of the person's qualifications or whether the screenings these testers perform can adequately identify the range of vision or hearing problems which interfere with a child's ability to learn. In another report [Summary, Bureau of Nursing Addendum], vision and hearing screenings are listed as responsibilities of the school nurse; however, such in-school assessments are usually cursory, frequently inaccurate, and tend to identify only gross deficits.

In addition, there are health problem such as nutritional deficiencies and lead poisoning which can interfere with a child's ability to learn. Evaluations should be

performed to rule out these types of problems before concluding that an EMH program is appropriate to a student's individual needs.

Undetected and, hence, uncorrected visual, auditory, and sensory-motor deficits as well as undiagnosed health problems can impede an individual's ability to respond appropriately to the types of assessment instruments used in the Project. Therefore, failure to include appropriate evaluations for such physical problems early in the total reassessment procedure is a serious omission, and it would be inappropriate to try to classify these physical problems as "other educational needs" that warrant "additional study" after a staffing conference. This apparent omission begs questions of the propriety and comprehensiveness of the assessments.

The Summary of the Reassessment Project discusses parental involvement in the process [pp.3-4], but does not specifically mention interviews with parents to identify any health impairments or medical treatment which may affect the child's academic or behavioral functioning. Such interviews are listed, but not described, in the addendum to the Summary as the role of the school nurse. Consequently, no information is available to describe the types of questions asked or the degree to which they are responsive to this recommendation.

V. DATA-BASED TECHNIQUES FOR LIMITED-ENGLISH PROFICIENT STUDENTS

The large number of children in The Chicago Public Schools with limited-English proficiency creates a possibility of lack of equivalence with English-speaking children in measurements of characteristics. The Student Desegregation Plan recommendation was:

Desegregation Plan Recommendation Number 5
(Data-Based Techniques For Limited-English Speaking Students)

Develop data-based techniques equivalent to those used with English-speaking children for use in measuring educational and psychological characteristics of children with limited-English proficiency.

A. Action Taken

The August, 1983, "Annual Desegregation Review" identifies as "Future Initiatives" this recommendation [ADR, p. 211] and the "use (of) a standardized test in the child's native language to help determine program placement of limited-English-proficient students." [ADR, p. 219.]

B. Analysis of Board Progress

Since these activities were still "Future Initiatives" as of August, 1983, the only conclusion possible is that no action has been taken to ensure that Hispanic and other linguistic-minority students are assessed in a nondiscriminatory fashion. Reported statistics indicate that

linguistic-minority EMH students were tested in the Reassessment Project [Status Report, pp.6-7], and the failure to implement this recommendation specific to their needs could constitute violations of federal [EHA: 34 CFR 300.530 (b) and 300.532 (a) (1) and (2); Section 504: 34 CFR 104.35 (b) (1)] and state laws [School Code of Illinois: Section 14-8.02; Illinois State Rules and Regulations: Section 9.11] as well as the Chicago school system's own regulations. [Regulations and Procedures, p.19.]

VI. TERMS AND CRITERIA USED IN ASSESSMENT PROCEDURES

The recommendation on terms and criteria is below.

Desegregation Plan Recommendation Number 6
(Terms and Criteria Used in Assessment Procedures)

Clarify and define precisely the terms and criteria used in the descriptions of nondiscriminatory assessment procedures and instruments.

A. Action Taken

This recommendation is mentioned as a "Future Initiative" in an August, 1983, report. [ADR, p. 211-212.] There is no evidence of other activities which clearly relate to this objective.

B. Analysis of Board Progress

It seems that a glossary of terms and criteria would have been an essential part of ensuring nondiscrimination in the assessment procedures used in the Reassessment Project. Since a glossary was not compiled, the possibility of misinterpretations, or at least inconsistent interpretations, is unacceptably high.

VII. INTELLIGENCE TESTS

The Student Desegregation Plan's recommendation on use of intelligence tests was stated as follows:

Desegregation Plan Recommendation Number 7
(Intelligence Tests)

Discontinue the use of standard individual tests of intelligence as the sole or primary source of information in the special education screening and evaluation of black and Hispanic children.

A. Action Taken

On June 24, 1981, the Board passed a resolution to discontinue using these intelligence tests as a source of information in evaluating children for EMH "until they have been validated specifically for that purpose." [Status Report, p. 2.]

B. Analysis of Board Progress

The Board promptly and appropriately responded to this recommendation. It discontinued their use as a source of information in evaluating children for EMH until validated specifically for that purpose.

VIII. CRITERION-REFERENCED MEASURES

The final recommendation in the topical area of Assessment Procedures pertained to criterion-referenced measures.

Desegregation Plan Recommendation Number 8
(Criterion-Referenced Measures)

Move immediately in the assessment process toward the use of such measures as criterion-referenced, rather than norm-referenced, tests calibrated to specific curriculum and to performance in specific academic areas.

A. Action Taken

Although this recommendation specifies moving to the use of criterion-referenced tests "in the assessment process", there is no evidence available that any action in that direction has been taken. There is some evidence that criterion-referenced tests were being planned to accompany curricular material [ADR, p. 220], but this effort would not satisfy the recommendation regarding assessment procedures.

B. Analysis of Board Progress

The discussions in available reports of efforts to develop nondiscriminatory assessment techniques stress the importance of standardizing and developing local norms for the procedures. These discussions also emphasize the goal of process assessment -- identifying specific strengths and weaknesses of individual students as well as how the student learns. It is in this area that criterion-referenced as-

sessments would provide the most help, since the emphasis would be on how the individual student performs on a given set of tasks rather than how that student's performance ranks in relation to some normative group.

APPENDIX B

Monitoring Commission's Analysis of the
Progress of the Chicago Board of Education
in Implementing the Student Desegregation Plan's
Other Recommendations for Special Education

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Student Desegregation Plans's
Other Recommendations for Special Education

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I. INTRODUCTION

The Student Desegregation Plan submitted recommendations concerning special education in the topical areas of Assessment Procedures, Referral Procedures, Monitoring and Annual Reporting, Staff Development, and Additional Study and Review. A sixth topical area -- Transition Program -- has been added for review.

The eight recommendations on Assessment Procedures, and the Board of Education's actions and progress on each one, were the subject matter of Appendix A to this report. This appendix reviews the actions taken and progress made in implementing recommendations relating to the five additional topical areas listed above.

The organization of this appendix differs from that of Appendix A. It reviews all of the specific recommendations and actions taken in relation to them first. Then it presents an analysis of the progress of the Board of Education in implementing them.

and linguistic characteristics of the family background. c.) Insure that the parent or parent surrogate will be fully informed of the nature of the evaluation procedures, the nature of the program for which the student is being assessed, and the family's rights under law. d.) Require that the staff conference be preceded by the parent interview; information gathered in the parent interview should be used at the staff conference in making educational decisions, and the staff conference may not be substituted for the parent interview.

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1. Action Taken on Non-Discriminatory Referral Procedures

The Department of Pupil Personnel Services and Special Education Program Development has recently devised a Pupil Personnel Service Model which provides for intervention strategies at the local school level to assist children experiencing difficulties in the regular classroom setting.

2. Action Taken on Informed Consent Guidelines

The Board has established procedures for securing "informed parental consent" which include:

(1) a letter to parents stating the purpose of the re-evaluation and requesting cooperation in the process;

(2) written consent forms for case study evaluations as well as release forms to permit access of evaluation team members to evaluation results; and

(3) notice of and request to participate in the staffing conference.

Available reports state that parents are encouraged to in-

vite other persons to the conference who might assist them, but it is not clear whether the "encouragement" is written or verbal or whether "qualified" individuals are encouraged. Reports also identify school psychologists as the staff responsible for providing full and complete information to parents regarding the purpose and meaning of evaluation procedures.

3. Action Taken on Parental Involvement in the Assessment Process

Specific procedures to fulfill this recommendation cannot be identified in the available materials. Responsibility for explaining evaluation procedures and for conducting parent interviews regarding a student's adaptive behavior and sociocultural background is assigned to the school nurse who is charged with securing health history information from parents.

B. Monitoring and Annual Reporting

In this topical area the Plan made the one recommendation that follows.

Desegregation Plan Recommendation Number 1
(Monitoring and Annual Reporting System)

Establish a system to monitor, on an annual basis, the rate of student placements, by ethnic groups, into special education programs.

---

1. Action Taken on Monitoring and Annual Reporting System

The actions identified in the available reports which seem related to this objective are brief statements regarding the establishment of:

(1) a comprehensive student accounting system, apparently computerized "to track and monitor the placement and progress of special education" and to "ensure appropriate services to students, maximum state and federal reimbursements, and effective utilization of staff" [Annual Desegregation Review 1982-83, Part II: Recommendations on Educational Components, p. 209; hereafter cited as ADR]

(2) a computerized tracking system "to monitor the effectiveness of the transition service" and to "track student progress over a three year period" [ADR, p.208]; this is apparently also called the Transitional Tracking System [ADR,p.212]; and

(3) a compliance review due process unit with a self-monitoring system to provide immediate feedback on programmatic and procedural concerns and to track needed compliance corrections.

Other planned systems which may also relate to this objective are:

(1) a data management system to "reflect appropriate service needs of students" [ADR, p.212];

(2) a computerized data base of student records "available to the direct providers of educational services" with "summary information made available to administrators on an expedient basis" [ADR, p.214]; and

(3) an expanded computer-assisted information system to "allow for staff to benefit from intervention procedures that have been shown to be successful in improving student progress" [ADR, p.215].

C. Staff Development

In the topical area of Staff Development the Plan offered one recommendation that defined a program to be created in that area.

Desegregation Plan Recommendation Number 1
(Staff Development Program)

Establish a required program of staff development for all personnel, including administrators and principals, responsible for the education of handicapped students. Staff development should include the following topics: a.) principles of psychometric and edumetric testing, b.) principles of test construction (including issues of validity and cultural bias), c.) principles of nondiscriminatory assessment, d.) courses that lead to behavioral competencies in and knowledge of the cultures of the children being served, e.) courses that lead to an understanding of the different learning and cognitive styles employed by children, f.) preparation of individualized educational programs, g.) preparation for implementation of mainstreaming.

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1. Action Taken on Staff Development Program

The Summary of the EMH Reassessment Project lists a variety of relevant topics covered in training and in-service sessions presented at the local school, sub-district, community and other city-wide locations during 1982-83. [pp.4-5.] Another document prepared by the Bureau of Child Study identifies: in-service training on nondiscriminatory assessment in which "the entire staff participated"; training modules, case reviews, and consultations provided to staff by professional organizations; three city-wide in-service meetings in 1981; bi-weekly meetings of psychologists and administrative staff during 1981-82; and additional in-service training provided to psychologists upon request. [Response to 'Caught in the Web' (Designs for Change Report), p.8; hereafter cited as "Response: CW."]

The 1982-83 Annual Desegregation Review reiterates these accomplishments [ADR, pp.203-204], and identifies as Future Initiatives "comprehensive staff development activities, programmatic leadership, and technical assistance for all personnel responsible for the education of the exceptional student. . .on a continuing basis" [ADR, p.212] and plans for "a minicourse in testing, measurement and interpretation of achievement test data. . .through the Professional Development Resource Center." [ADR, p.219.]

D. Additional Study and Review

The Student Desegregation Plan included four recommendations related to special education in the area of Additional Study and Review. Each recommendation pertained to Professional Committees and Task Force, so they are listed together below.

Desegregation Plan Recommendation Numbers 1, 2, 3, and 4
(Professional Committees and Task Force)

Establish a committee of district staff local and national specialists to conduct an in-depth review of the screening, testing, placement, and mainstreaming procedures and practices in the Chicago public schools, with particular focus on the development of staff capabilities in the area.

Authorize the committee to examine the state of the art of nondiscriminatory assessment procedures and make recommendations as to the effectiveness of these approaches.

Establish a second Task Force composed of both staff and outside consultants to undertake a comprehensive review of the system's student testing and evaluation procedures, including both city-wide and locally administered tests, and the use to which data so collected is put, especially the manner in which it impacts on the development and implementation of curriculum, and on related aspects of management, funding, personnel selection, and utilization of resources.

Authorize the initiation of activities by this Task Force, with the Final Report due on July, 1981.

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1. Action Taken on Additional Study and Review

The Board's Interim Status Report to the court describes actions which appear responsive to this recommendation. A "Task Force on Nondiscriminatory Assessment and Special Education, composed of representatives from the community (agencies, parents), universities, local schools

and districts, and administration was organized by the General Superintendent. The purpose of the Task Force was to establish a plan to ensure accurate, nondiscriminatory assessment procedures. The Task Force was further instructed to develop a process for implementation. To complete this task, an in-depth study of the referral, identification, evaluation, and placement procedures of the Chicago Public Schools was made. The Task Force recommended that a nondiscriminatory assessment program using non-biased, psychoeducational assessment procedures, excluding IQ Tests, be used in a pilot reevaluation project." ["Interim Status Report on EMH Reassessment of Transition Project," March 9, 1984; hereafter cited as "Status Report".]

E. Transition Program

The recommendations do not specifically discuss the transition services to EMH students who would be returned to regular education. However, the staff of the Board of Education recognized these services as an appropriate and necessary component of the Reassessment Project, and they constitute part of the progress toward ensuring nondiscrimination in Chicago's public educational programs.

1. Action Taken on Transition Program

The Department has developed a description of its Transition Program ["Transition Programs: Special Education and General Education in Partnership, 1982"] which outlines pro-

cedures, administrative structures, and staff responsibilities for these services. As of June, 1983, a total of 1,917 students were supposed to have received transition services (ADR, p.202). Approximately two-thirds of the transitioned students were reported as making successful transitions to regular education programs, and 79 percent were promoted at the end of the 1982-83 school year. ["Working Draft: Summary of the EMH Reassessment Project," October, 1983, p.9; hereafter cited as "Summary".]

III. ANALYSIS OF BOARD PROGRESS

The Student Desegregation Plan recommendations in the topical area of Referral Procedures made specific reference to non-discriminatory referral procedures, informed consent guidelines, and parental involvement in the assessment process.

A. Referral Procedures

1. Non-Discriminatory Referral Procedures

The Pupil Personnel Service Model, divised to provide intervention strategies at the local school level to assist children experiencing difficulties in the regular classroom setting, offers multiple opportunities for student problems to be appropriately identified and addressed without a referral for special education assessment. The success of this model, however, will depend on:

(1) the development of specific procedural guidelines for each stage of the service model, including a requirement that at least three intervention strategies be used over a reasonable period of time, but without success, prior to referral for evaluation for special education;

(2) the type and amount of training given to all personnel involved or affected by the model to assist them in fulfilling their responsibilities; and

(3) the quality of communication, written and verbal, that occurs on each student's case among school personnel and parents.

The Board is urged to develop and refine this model as a practical and useful technique for meeting the individual needs of all students and for providing a sound basis on which to determine needs for special education referral and evaluation.

The 1982-83 Annual Desegregation Review report discusses three new program models to be implemented: Consultation, Assess-Involve-Maintain (A.I.M.), and the Primary Mental Health Project (PMHP). [ADR, pp.204-207.] Since these programs are discussed separately from the Pupil Personnel Service Model [ADR, p.208], it is not clear whether these four programs are coordinated or parallel. The report states that "Further initiatives of the Department of Pupil Personnel Services and Special Education will encompass the implementation of the Pupil Personnel Services Model . . ." [ADR, p.212], but it is not clear that these "Further Initiatives" include the Consultation, A.I.M., or PMHP projects.

Coordination of activities among these programs is critical to their effectiveness. The general descriptions of these programs (the Pupil Personnel Service Model is the most fully described of the four programs in available reports) reveal positive efforts which with adequate staff

training and explicit procedural requirements could result in early detection and identification of educational problems, early intervention, remediation, and referral for more specialized help where appropriate. However, if these programs are not well integrated and coordinated, the result could be a fragmented, duplicative, and incomplete service to children. More information on these efforts is needed to evaluate the degree to which they will promote accurate, nondiscriminatory referral procedures.

2. Informed Consent Guidelines

Available reports describe informed consent guideline procedures in general terms, and it is therefore difficult to determine exactly how "informed" the consent really is. There is also no indication that communication, written or in some other form, was provided in a language or mode the parent could understand; this is an important safeguard required by federal law. [Regulations Implementing Public Law 94-142, Education of the Handicapped Act: 34 CFR 300.500 and 300.505; hereafter cited as EHA.]

3. Parental Involvement In the Assessment Process

Since specific procedures for involving parents in the assessment process do not appear in the available materials, it is not possible to determine whether the recommended safeguards have been adopted or implemented. These safeguards include:

(1) requiring a parent interview prior to the staff conference;

(2) identifying staff who are trained interviewers to talk with parents;

(3) identifying the type of training required for interviewers;

(4) identifying methods or instruments that are scorable, systematic, and standardized for securing certain information;

(5) establishing a system of communications in the parent's language -- written and verbal, as well as other modes -- which ensure full understanding of the case study evaluation process, and the nature and meaning of decisions involved; and

(6) identifying methods for using information from the parent interview in making educational decisions.

When the parents are notified of and asked to participate in the staffing conference, they are "encouraged to invite other individuals who might be of assistance in this decision-making process" [ADR, p.202]. Such assistance at the conference is likely to be insufficient or too late in the evaluation process for many parents, especially language minorities, to ensure their full understanding of the process, the nature of the special education program, or the family's rights.

B. Monitoring and Annual Reporting System

It is not possible to determine if any of the planned or present "systems", mentioned in reports, or the compliance review due process unit are being or will be used to address sufficiently the problems which prompted this recommendation: the disproportionately high representation of minority students in EMH and educationally handicapped (EH) programs and the progressive increases in black student enrollment from the least to the most restrictive placements. The Plan also questioned the necessity of these more restrictive placements (i.e., more separated/segregated placements relative to the students' non-handicapped peers) since EMH and EH students receive fewer related services than any other group (except learning disabled students) and exhibit a lower incidence of identified secondary handicaps (except for speech-impaired students).

Generating data on special education placements by race, classification, and type of learning environment is essential to identifying racial/ethnic disproportions, and is a possible function for one or more of the "systems" mentioned in section II B 1 of this Appendix. However, none of the "system" descriptions indicate this specific purpose. There is also no indication as to whether these five "systems" are components of one overall system or separate, unrelated systems. Additional concerns arise regarding access to certain types of personally identifiable stu-

dent information and whether proper safeguards are implemented to protect student and family rights to privacy. [EHA: 34 CFR 300.500, 300.571; see also the Family Educational Rights and Privacy Act of 1974 (FERPA) 34 CFR 99.]

No mention is made in any of the available reports of annual monitoring and reporting specifically addressing racial/ethnic disproportions. The reference to a planned "annual report in system compliance progress" [ADR, p.213] is too vague to ensure that it will fulfill this objective. It is also not possible to determine what procedures, if any, would be followed when disproportions in classification and/or placements are known.

The Compliance Review Due Process Unit would appear to be the appropriate office to investigate, report, and oversee correction of these types of problems, but the available reports do not specify procedures for initiating this unit's involvement. Impartial due process hearings are an important administrative mechanism for protecting the rights of children in the special education identification, evaluation, and placement procedures. However, one report ["Department of Pupil Personnel Services and Special Education: Annual Report of Accomplishments," July 22, 1983, p.10] states that the unit was successful in "aborting" impartial due process hearings. While success in this effort resulted in cost savings, to the Chicago Public Schools, the report offers no information on the issues the

hearings would have addressed or their resolution. The Commission requests an explanation of the statement.

Since Board documents to date provide no information of its actions or its intentions to monitor and annually report on the identified problems, it is impossible to determine the degree or quality of compliance with this recommendation.

C. Staff Development Program

It is evident that the school system is making serious efforts to meet the training needs of at least some staff -- particularly psychologists -- whose roles involve them with the education of handicapped children. However, it is not clear

(1) whether a program of staff development has been established to address training needs;

(2) whether such a program or other appropriate training is required for all affected personnel and, if it is, how that requirement is imposed and enforced; and

(3) whether the training needs of all affected personnel (i.e., regular and special education teachers, pupil personnel staff, all special education staff, as well as program administrators and principals) are adequately and appropriately addressed.

The types of training recommended involve complex and sometimes controversial concepts, principles, and

procedures. To be effective, training in these areas should be systematic, developmental, and tailored to the specific needs of the participants (i.e., the types of training needed by regular education teachers, special education teachers, counselors, school nurses, psychologists, and so on may vary in any given subject area). The structures and formats of training sessions should be designed to ensure that participants have adequate time and opportunity to increase their knowledge/understanding of the subject and to develop/refine related skills. Periodic workshops or meetings are often insufficient to meet these needs. The school system could identify relevant courses offered by area colleges and universities, and coordinate with them to train its personnel; or the system could develop a comprehensive in-service program in these areas through the professional Development Resources Center.

D. Additional Study and Review

Given the continuing existence of the problems which precipitated the review of Chicago's special education program, it is clear that the programmatic and procedural improvements ultimately expected as a result of additional study and review by professional committees and task forces have not been achieved.

There are plans to reconvene the Task Force on Nondiscriminatory Assessment and Special Education [ADR, p.211] and to expand the advisory board into an advisory council

"which will add input from organizations involved in working directly with parents in a service or consultant capacity." [ADR, p.213.] It is evident that there is still much work to be done, and these groups can be instrumental in assisting school system personnel to achieve their goal:

> To establish nondiscriminatory assessment techniques and standards for EMH students (and others as appropriate) to ensure that they (1) have equal and appropriate access to all special education programs and services, (2) have full and equal protection against misclassification and misplacement, considering particularly the special needs of limited-English-fluent students, and (3) will not lose needed special education services as a result of desegregation implementation. [ADR, p.195]

E. Transition Program

The recommendations in the Student Desegregation Plan do not specifically discuss the transition services to EMH students who would be returned to regular education. However, the staff of the Board of Education recognized these services as an appropriate and necessary component of the Reassessment Project, and the services constitute part of the progress toward ensuring nondiscrimination in Chicago's public educational programs.

The available descriptions of Transition Program services reflect an organized and systematic approach to meeting the needs of students returning to regular education from EMH placements. There are two concerns, however, which are not sufficiently explained in the available reports.

(1) It is not clear that the duration of transition services is determined by individual student needs. For example, there seems to be little, if any, consideration given to the age of the transitioned student (older students may require more or substantially different services), or to the length of time a student has spent in the EMH program (the length of time spent in EMH classes has direct bearing on the type and duration of transition service needs).

(2) There is an evaluation instrument, developed by the Department of Research and Evaluation and the Bureau of Special Education, "to collect base-line data for use in assessing the progress of the transitioned students in the regular classroom." [ADR, p.203] There is no indication of whether or how this instrument was developed and administered to ensure that it is not racially or culturally discriminatory.

If these two concerns have been adequately addressed in the operation of the Transition Program in conjunction with full implementation of the identified transition procedures and guidelines, the program can provide comprehensive support to students adjusting to regular education settings.

APPENDIX C

Reference Documents

REFERENCES

Annual Desegregation Review, 1982-83: Part II: Recommendations on Educational Components. Chicago: Chicago Public Schools, August 1983. [ADR]

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APPENDIX D

Bureau of Child Study Assessment Instruments

AREAS ASSESSED

	PROCESS	POTENTIAL CAPACITY	COGNITIVE ABILITY	COMPREHENSION	MENTAL MATURITY	COGNITIVE FLEXIBILITY	CONCEPTUALIZATION	PLANNING ABILITY	ANALYSIS and SYNTHESIS	LONG-TERM MEMORY	SHORT-TERM MEMORY	REASONING	PERCEPTUAL DEVELOPMENT	CONFIGURATION ABILITY	DISCRIMINATIVE PERCEPTION	SPATIAL RELATIONSHIPS	PSYCHO-MOTOR SPEED	MOTOR DEVELOPMENT	EXPRESSIVE LANGUAGE	RECEPTIVE LANGUAGE	COMMUNICATION SKILLS	ADAPTIVE BEHAVIOR	IMPULSIVITY	ATTENTION	
DRAW-A-PERSON	X		X		X								X											X	
VMI	X							X					X	X		X	X						X	X	
CSC	X		X			X	X					X			X								X	X	
EMI	X		X	X		X	X			X		X			X									X	
MEMORY FOR SENTENCES			X	X							X			X					X					X	
KOHS BLOCK DESIGN	X		X		X									X	X	X	X						X	X	
TEST-TEACH-TEST	X	X	X	X	X										X									X	
ADAPTIVE-VINELAND																			X		X	X	X		
(ADAPTIVE PROPOSAL)	X		X	X	X	X	X					X		X							X	X	X		

"HIGHLIGHTS OF ASSESSMENT MEASURES"

Title, Author, and Publisher	Description	Norms/ Reliability/ Validity	Comment
"Goodenough-Harris Drawing Test (Draw-A-Man) Harris, 1963 Psychological Corporation	Child is asked to draw a man, woman and self. Provides a Deviation IQ (M=100, SD = 15). For ages 3-0 to 15-11 years Takes approximately 5 to 15 minutes to administer.	Norms are excellent. Reliability somewhat poor, but validity is satisfactory.	A useful supplementary instrument for measuring cognitive ability. Can be less culturally loaded than other intelligence tests."[1]) - Gesell, Utilized to assess stages of maturity. - Piaget, Utilized to estimate level of cognitive development. - Has been researched by Freeman, for use in assessment of cognitive and perceptual development, as evidenced from an information-processing perspective. - Also utilized as a projective instrument for personality assessment.

1) Sattler, Jerome. Assessment of Children's Intelligence and Special Abilities. Boston, Massachusetts: Library of Congress Cataloging in Publication Data, 1982. Appendix D, Pg. 614 & 615.

Title, Author, and Publisher	Description	Norms/ Reliability/ Validity	Comment
VMI Keith E. Berry, 1967 Follett Publishing, Co./ Chicago	Perceptual-motor ability test for children aged 2 through 15 years. Child is asked to copy forms, in order, without erasures. Provides age equivalents for raw scores, with separate tables for boys and girls.	Reliability is excellent: validity is satisfactory. Standardized on urban, rural, and suburban populations.	Useful for measuring visual-motor ability.
"Koh's Block Design" S.C. Kohs Stoelting Company	Child is presented with a set of blocks and asked to reproduce an illustrated design, of progressing difficulty. Score is both by speed and accuracy. Based on raw score, MA's derived range from age 5-3 to 19-11. Approximate administration time is 5 to 20 minutes.	Norms standardized on mentally handicapped population, yielding a correlation of +.67 (P.5+.05), and on general school population of +.80 (PE+.01).	Test is potentially less culturally and experience bound as research has shown that the Block Design tests are significantly less affected by school training than the Binet, but possess a high degree of correlation and reliability. Affords examiner insight into child's ability to perceive spatial re-

Title, Author, and Publisher	Description	Norms/ Reliability/ Validity	Comment
			lationships, speed of performance impulsivity, and planning ability.
Test Teach Test Reuven Feuerstein Model using Rebus Reading	Examiner administers a pretest to achieve a baseline score, followed by teaching principles and skills which are involved. Subsequent to which, a final series of tests are given which affords a measure of child's learning potential.	Currently being researched at the John F. Kennedy Center for Research and Education and Human Development at George Peabody College, Vanderbilt University. Ongoing research by Fuerstein and Budoff. Technique has been positively accepted by Hilliard, Mercer, Jensen, and others. Field testing has resulted in positive preliminary findings, as well as support by psychologists who have employed it.	Relatively culture-free measures of nonverbal ability. It is an attempt to measure material learning ability directly, with the purpose of determining what the child can learn. It represents an attempt to assess "process" rather than "product." Findings of research to date indicate significant I.Q. gains when children, previously diagnosed as slow-learners by traditional instruments, were taught skills evidenced as lacking through evaluation of "process," and maintained these gains over

Fuerstein, REuven, "The Remedial Thinker", Psychology Today. 1981., pgs. 63-73.

Title, Author, and Publisher	Description	Norms/ Reliability/ Validity	Comment
			a two year period. 2) These research findings support the use of these instruments for evaluation as well as to develop effective intervention strategies.
CSC from: Meeker by: Davis Gorsich Daley Baer	Power test in which child is required to look at stimulus figures, and then choose correct figure according to class, from five alternates.	Standardized on rural, suburban, and Whites. Norms are excellent	Relatively cultural free non-verbal test, which requires the child to logically reason the principal controlling likenesses or similarities.
EMI from: Meeker by: Davis Gorsich Daley Baer	Child is given an incomplete statement, which he must complete by selecting the word or words which best complete the statement.		Standardized on a widely representative population of Blacks, Mexican-Americans, and Anglos. Requires child to identify the essential characteristics and logically complete a given concept.

Title, Author, and Publisher	Description	Norms/ Reliability/ Validity	Comment
Memory for Sentences	Sentence is read to child, which he is subsequently asked to repeat.	Norms are excellent. Reliability and validity relatively satisfactory.	Less culturally loaded test of memory of materials presented auditorily. Also offers measure of comprehension, as child has to make use of sentence meaning to aid recall. In addition, organization ability and expressive syntax can also be assessed.
Vineland Adaptive Behavior Scale (Publication date 1983) Pat Harris - editor by: Sparrow, Ph.D. Balla, Ph.D. Cicchetti, PhD.	Information through various methods including observation and interview.	Currently being researched.	Yields a picture of how the student functions in Communication, Daily Skills, Socialization, Motor Skills, and Maladaptive Behavior domains, within his cultural milieu.